

PART 9

5-900

CATEGORY 9 OUTDOOR RECREATION

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

5-901

Standards for All Category 9 Uses

1. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

5-902

Additional Standards for Country Club/Golf Course, Public or Private

1. The minimum lot size requirement shall be fifteen (15) acres.
2. No structure used in connection with the use shall be located closer than fifty (50) feet to any lot line.

5-903

Additional Standards for Swimming/Tennis (Racquet) Facility, Public or Private

1. The minimum lot size requirement shall be one (1) acre.
2. No building used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in any Residential District.

5-904

Additional Standards for Firing Range, Skeet or Trapshooting Facility (Indoor or Outdoor)

1. The minimum lot size requirement shall be fifty (50) acres.
2. No structure used for or in conjunction with the use shall be located closer than 100 feet to any lot line.
3. The protection of adjacent properties will be assured by proper design, location and/or orientation of earthworks and firing line(s).
4. In the consideration of an application for such a use, both safety and noise factors will be taken into account and appropriate conditions imposed with respect thereto.
5. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and County laws.

5-905

Additional Standards for Baseball Hitting and Archery Ranges

1. The minimum lot size requirement shall be three (3) acres.

2. No structure used in connection with the use shall be located closer than 100 feet to any lot line.

5-906

Additional Standards for Camps and Recreation Grounds, Lodges and Resorts

1. The minimum lot size requirement shall be twenty (20) acres.
2. No structure or campsite or athletic facility shall be located closer than 100 feet to any lot line.
3. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health requirements.
4. All parking and loading areas, swimming pools and tennis courts shall be effectively screened.

5-907

Additional Standards for Tent Campground

1. The minimum lot size requirement shall be twenty (20) acres.
2. Travel trailers and other residential vehicles are not allowed.
3. The only permanent structure allowed for residential use will be occupied by the resident owner or manager.
4. The facility shall have direct access by means of a travel-way twenty (20) feet in width to a road currently maintained by the State.
5. No structure or campsite shall be located closer than 100 feet to any lot line.
6. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health requirements.
7. Density shall not exceed one (1) campsite per acre.

5-908

Additional Standards for Travel Trailer Park

1. Both tents and recreational vehicle campers can be accommodated within a travel trailer park, but the park shall be designed for travel trailers.
2. Each park shall provide electrical outlets at each individual site, one or more central travel trailer sanitary stations, and toilet and shower facilities.
3. The road frontage requirement shall be 200 feet on a road with a minimum designation of major collector (or higher) in the

Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

4. Accessory commercial uses are permitted, exclusively for the use of residents of the park (e.g., coin-operated laundry, convenience store, entertainment).
5. Density shall not exceed ten (10) camping sites per acre.
6. Each campsite shall contain a minimum of 3,000 square feet.
7. No structure, campsite or athletic facility shall be located closer than 100 feet to any lot line.
8. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health requirements.
9. The one permanent residential occupancy allowed shall be for the resident owner or manager; no other may reside in the park for a period exceeding one (1) week.
10. The minimum lot size requirement shall be five (5) acres.

5-909

Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Non-Spectator)

1. No facilities or activities intended for spectators are allowed.
2. The minimum lot size requirement shall be five (5) acres.
3. No structure associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.

5-910

Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)

1. The minimum lot size requirement shall be ten (10) acres.
2. The road frontage requirement shall be 300 feet on a State maintained road with a minimum designation of major collector in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
3. No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.

5-911**Additional Standards for Drive-In or Outdoor Theater**

1. The minimum lot size requirement shall be five (5) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals find that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
3. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential District.

5-912**Additional Standards for Golf Driving Ranges**

1. No structure used in connection with the use shall be located closer than 100 feet to any lot line.
2. The minimum lot size requirement shall be five (5) acres.

5-913**Additional Standards for Commercial Hunting or Fishing Preserves**

1. Appropriate noise and safety buffers shall be provided depending on the nature and intensity of the use.
2. For bird shooting activities steel pellets shall be required when circumstances warrant.

5-914**Additional Standards for Class A Spectator and Non-Spectator Field Events and Activities**

1. No Class A event or activity shall have more than fifty thousand (50,000) cumulative attendees per event. No Class A event or activity shall exceed three (3) days in length. No special exception shall be granted allowing more than nine (9) Class A events or activities on the property subject to the special exception in any one calendar year. Class A events in excess of nine per year or lasting more than three days shall require special permit approval for each event.
2. Sites eligible for Class A events and shall contain a minimum of 200 acres and have a minimum of 2,000 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than

200 acres or less than 2,000 feet of frontage upon findings that less restrictive standards do not negatively impact any other general or specific standards contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.

3. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. (Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.)
4. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or area for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.
5. No structure shall be located closer than 100 feet to any lot line.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class A event or activity. At least thirty (30) days prior to holding a Class A event the holder of the special exception for the property upon which a Class A event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office
Virginia Department of Transportation
Fauquier County Emergency Services Coordinator
Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this ordinance, which pertain to limitations and exhibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.
8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of nonprofit, tax exempt organizations whose principal offices are located within the County. At least thirty (30) days prior to holding a Class A event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact

person for each individual, group association, partnership or corporation which is expected to conduct retail sales at the event.

5-915

Additional Standards for Class B Spectator and Non-Spectator Field Events and Activities

1. No Class B field event or activity shall have more than 5,000 cumulative attendees per event. No special exception shall be granted allowing more than twelve (12) events in any one calendar year. No Class B event shall exceed three (3) days in length. Class B events having greater than 5,000 attendees or in excess of twelve (12) events per year or lasting more than three (3) days shall require special permit approval for such event.
2. Sites eligible for Class B events and activities shall contain a minimum of 100 acres and have a minimum of 500 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals find that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 100 acres or less than 500 feet of frontage or upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
3. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. (Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.)
4. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and disciplines of Triathlon, Pentathlon and Decathlon.
5. No structure shall be located closer than 100 feet to any lot line.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class B event or activity. At least thirty (30) days prior to holding a Class B event the holder of the special exception for the property upon which a Class B event will be held shall provide to the

Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office

Virginia Department of Transportation

Fauquier County Emergency Services Coordinator

Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.
8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least thirty (30) days prior to holding a Class B event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

5-916

Additional Standards for Class C Spectator and Non-Spectator Field Events and Activities

1. No Class C field event or activity shall have more than 1,000 cumulative attendees per event and no Class C event shall exceed three (3) days in length. Class C events that have more than 1,000 attendees or last more than three days shall require special permit approval for each event.
2. Sites eligible for Class C events and activities shall contain a minimum of 50 acres and have a minimum of 300 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 50 acres or less than 300 feet of frontage upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
3. No structure shall be located closer than 100 feet to any lot line.

4. Field sports and those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.
5. No structure shall be located closer than 100 feet to any lot line.
6. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class C event or activity. At least thirty (30) days prior to holding a Class C event the holder of the special exception for the property upon which a Class C event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:

Fauquier County Sheriff's Office
 Virginia Department of Transportation
 Fauquier County Emergency Services Coordinator
 Fauquier County Health Department

7. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.
8. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least thirty (30) days prior to holding a Class C event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

5-917

Additional Standards for Golf Practice Facility in the Rural Agriculture Zone

1. The facility shall not be lighted.
2. In a Residential or Rural district, the facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

3. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts, shall be complied with by the holder of the special permit.
4. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted for the participants of the site.
5. No structure shall be located closer than 100 feet to any lot line.
6. The minimum lot size shall be twenty-five (25) acres.
7. The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirement which will ensure the minimal impact on the use of the surrounding area and uses.

5-918

Standards for Team Recreation Sports

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. Minimum acreage required for team recreation sports is five (5) acres.
2. Access shall be on a rural minor street or greater as shown in the Comprehensive Plan, fully paved section, and a highway entrance permit is required from the Virginia Department of Transportation, provided however, the Zoning Administrator may waive the requirement for the fully paved section of the road, should she determine that the waiver will not negatively impact health & safety.
3. Setback from adjoining dwellings shall be at least three hundred (300) feet unless written authorization is obtained from adjoining property owner(s). If written authorization is obtained, then the minimum setback is fifty (50) feet.
4. Parking shall not be in any required front yard or within fifty (50) feet of any side or rear lot line.
5. A minimum setback of one hundred (100) feet is required from any streambed.
6. The hours of operation shall be limited to the hours between 8:30 A.M. to 8:30 P.M.; and further restricted as applicable to daylight hours.

7. All grass areas used for parking and recreation shall be free of all trash, properly maintained, and mowed to a maximum length of four (4) inches.
8. Administrative permits shall be valid for a period of three (3) years, and may be renewed at the end of each three (3) year period for continued use.
9. Field use shall be limited to teams involving youth, eighteen (18) years old and under.
10. Notification shall be sent to all property owners adjacent to the proposed use. Said notice shall include a description of the property under consideration, the proposed use of the property, a statement that a copy of the proposed plan can be reviewed at the Department of Community Development, and that comments concerning the proposed use can be made to the Zoning Administrator.
11. The maximum acreage permitted on the site to be used for team recreation sports shall be ten (10) acres.
12. The team recreation field(s) shall be used for practice fields.
13. No lights, concession stands, buildings, dugouts, bleachers, or amplified sound shall be permitted on site.

PART 10

5-1000

CATEGORY 10 RECREATION AND AMUSEMENT

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

5-1001

Standards for All Category 10 Uses

1. Such uses shall be conducted in completely enclosed, air-conditioned, soundproofed buildings; however, this requirement shall not apply to private clubs where deemed not necessary by the Board or BZA.

5-1002

Additional Standards for Private Clubs

1. No building shall be located closer than 100 feet to any lot line in or abutting a Residential or Rural District.
2. Off-street parking and loading areas shall be located no less than 25 feet to any property line in or abutting a Residential or Rural District, and when located within such district, shall be effectively screened.

PART 11

5-1100

CATEGORY 11 PUBLIC AND QUASI-PUBLIC USES

5-1101**Additional Submission Requirements**

In addition to the submission requirements set forth in Section 001 above, all applications for Category 11 public uses shall be accompanied by a statement by an official or officer of the governmental body who shall be present giving the exact reasons for selecting the particular site as the location for the proposed facility, including any alternatives considered.

5-1102**Standards for All Category 11 Uses**

In addition to the standards set forth in Section 006 above, the following standards shall apply:

1. For public uses, it shall be concluded that the proposed location of the special permit/special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. In or abutting the Rural and Residential District, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

5-1103**Additional Standards for Penal/Correctional Facility**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be one hundred (100) acres.
2. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential or RR-2 District, nor within 100 feet of such property in a Rural District (except for the Large Lot District).

5-1104**Additional Standards for Arena/Stadium**

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be one hundred (100) acres.
2. The road frontage requirement shall be 300 feet on a road designated as an arterial (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type

and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1105

Additional Standards for Libraries and Public Safety Facilities

The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1106

Additional Standards for Fairgrounds

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. The minimum lot size requirement shall be ten (10) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property in a district permitting residential uses.

5-1107

Additional Standards for Museum

1. Only existing historic structures or sites may be utilized as museums in the Village, Residential-1, Residential-2, Residential –3 and Residential-4 Zoning Districts.
2. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity, located within the existing historic structure and conducted for the participants of the site.

The BZA may require such screening, planting, fencing, preservation of trees, entrances, design of structures, or any other requirements which will ensure the minimal impact on the use of the surrounding area and uses.

PART 12

5-1200

**CATEGORY 12 COMMERCIAL RETAIL
USES**

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

5-1201

Additional Standards for Antique Shops Less than 3,000 Square Feet

The following standards apply to antique shops located in Residential and Rural Districts:

1. Any building so used shall have the exterior appearance of a single family dwelling and shall be the bona fide residence of the proprietor.
2. There shall be no outdoor display of goods or merchandise.
3. Off-street parking and loading areas shall be located no closer than twenty-five (25) feet to any property line and shall be effectively screened.
4. The lot shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1202

Additional Standards for Retail Sales in Conjunction with Category 16 or 17 Uses

1. Retail sales of goods produced on or off the site may be conducted as part of the primary use.
2. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 10% of the gross floor area of the facility (or outdoor area involved in the use, if appropriate).

PART 13

5-1300

**CATEGORY 13 COMMERCIAL BUSINESS
AND PERSONAL SERVICES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1301

Additional Standards for Kennels

1. The minimum lot size requirement shall be two (2) acres.
2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
5. Maximum of ten (10) dogs per acre.

5-1302

Additional Standards for Veterinary Clinics

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
2. In a Residential or Rural District, the facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1303

Additional Standards for Funeral Homes

1. All such facilities shall be on land fronting on and with direct access to a road designated as a major thoroughfare (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

2. Driveways and/or service drives shall be provided with direct but limited access to such major thoroughfare (1 above) for the forming of funeral processions so as not to impede traffic in the area.

5-1304

Additional Standards for Farm Supply and Service Establishments

All such facilities shall be on land fronting on and with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1305

Additional Standards for Office, Professional (including clinics), Not More Than Six Persons Employed

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.
2. No retail or wholesale sales or storage conducted on the premises.
3. The building so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.
5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
6. Office hours shall be limited to the period between 8:30 A.M. and 8:00 P.M., Monday through Saturday. Offices may open at other times only for emergencies.
7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 A.M. and 4:00 P.M.
8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
9. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1306

Additional Standards for Barber/Beauty Shop in Residential and Rural Zoning Districts

Such uses shall comply with the use limitations set forth in Section 6-304.

PART 14

5-1400

**CATEGORY 14 MOTOR VEHICLE
RELATED USES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1401

Additional Standards for Car Washes and Auto Service Stations

1. Such uses shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
2. An applicant for a car wash to be served by a public water system shall present a statement by the water system operator that sufficient water capacity is available.
3. When located in a C-3 Zoning District:
 - A. Such uses shall be an integral design element of a site plan for a shopping center containing not less than 30,000 square feet of gross floor area.
 - B. Such uses shall have no separate and exclusive curb cut access to the abutting highway.
 - C. Service stations shall not include any ancillary use such as vehicular or tool rental and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
 - D. Service stations shall not be used for the performance of major repairs and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof. In addition, in no event shall any one abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

5-1402

Additional Standards for Junkyards

1. Such use shall be located with direct access to a road designated as a major collector (or higher) in the Comprehensive Plan or such higher classification deemed necessary to support the size of the operation involved unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not

cause an undue impact on the neighbors or adversely affect safety of road usage.

2. No storage shall be located in any required yard.
3. Such a use shall be located so that it can be effectively screened from all public streets and land located in any Residential or Rural Zoning District and shall be so screened.
4. Parking and loading areas shall be provided in accordance with the provisions of Article 7 and shall be suited to the type of business conducted (i.e., wholesale vs. retail).

5-1403

Additional Standards for Automobile Sales, Rental and Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with the ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet.
4. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.
5. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface.
6. All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the performance standards as to glare of the zoning district in which such facility is located. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.

5-1404

Additional Standards for Farm Equipment Sales, Rental and Service Establishments

Such uses shall satisfy the same standards as set forth in Section 1403 above, except that in Residential and Rural Zoning Districts no parking, storage, loading or display shall be conducted in any required front yard or within fifty (50) feet of any side or rear lot line.

5-1405

Additional Standards for Mobile Home Sales, Rental and Service Establishments

1. Such uses shall satisfy the same standards set forth in Section 1404 above.
2. In a Mobile Home Park Zoning District, such a use may be conducted only in conjunction with, and on the same site with, a mobile home park. Further, the number of units located on the site for the purpose of sales, service or storage (unoccupied) shall not exceed ten (10) percent of the approved mobile home spaces in the park, or five (5) mobile homes, whichever is greater.

PART 15

5-1500

CATEGORY 15 WHOLESALING AND PROCESSING

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1501

Additional Standards for Auction Establishments in Rural Zoning Districts

1. The minimum lot size requirement shall be three (3) acres.
2. The road frontage requirement shall be 200 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1502

Additional Standards for Commercial Storage and Processing of Bulk Agricultural Products in Rural Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1503

Additional Standards for Livestock Exchanges

1. The minimum lot size requirement for such uses located in Rural Zoning Districts shall be twenty-five (25) acres.

2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1504

Additional Standards for Outdoor Auctions for Automobiles, Trucks, Heavy Equipment, Farm Equipment, Boats, Recreational Vehicles and Trailers

1. Minimum lot size of ten (10) acres.
2. Auctions may be held only from 8 a.m. until 7 p.m.
3. 100-foot landscape buffer from all rural and residential districts.
4. All outdoor storage areas shall be completely fenced and screened from adjoining rural and residential districts.

PART 16

5-1600

CATEGORY 16 LIMITED INDUSTRIAL

5-1601

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

1. Such uses shall generally be conducted in completely enclosed buildings with any outdoor storage completely screened from view from all property lines.
2. Retail sales connected with such uses shall be ancillary to the primary use and shall not occupy more than five (5) percent of the gross floor area.
3. Such a use shall not significantly reduce, impede or conflict with neighboring agricultural operation(s).
4. Open space shall be provided for such uses in the amounts shown for the following zoning districts:

Agriculture 95%

Conservation 95%

5. Such uses shall be separated from all property lines a distance appropriate to the size and type of use.
6. Direct access to a State maintained road shall be adequate to the size and type of such use. In no case shall such road be designated as less than a major collector in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not

cause an undue impact on the neighbors or adversely affect safety of road usage.

7. The minimum lot size for such uses shall be shown for the following zoning districts:

Agriculture 100 Acres

Conservation 150 Acres

8. New structures shall be compatible with the character of the surrounding area, as viewed from streets and surrounding properties with respect to the following features:
 - A. Exterior architectural features including all signs;
 - B. General design, scale and arrangements;
 - C. Texture, material, and color;
 - D. The relation of features 1, 2 and 3 above, to similar features of buildings and structures in the immediate surroundings;
 - E. The extent to which the building or structure would be harmonious with or incongruous to the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of the new buildings or structure in relationship to existing buildings and structures and to the setting thereof.
9. Such a use shall not be defined as a heavy industrial use (see Section 1703).

PART 17

5-1700

CATEGORY 17 GENERAL INDUSTRIAL

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1701

Additional Standards for Industrial Use Described in Paragraph 3-317.1 (less than one acre used), in Rural Zoning Districts

1. Outdoor activities and storage in conjunction with such uses shall be effectively screened.

2. No retail sales connected with such use shall be conducted on the premises.
3. Such a use shall not substantially reduce, impede or conflict with agricultural operations conducted in the vicinity.
4. Open space shall be provided for such uses in the amounts for the following zoning districts:

Agriculture	95%
Conservation	95%
5. Such uses shall be separated from all property lines in distance of not less than one hundred (100) feet.
6. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage. Such alternative access shall be to a road designated in the Comprehensive Plan no lower than rural minor collector or urban local.
7. The minimum lot size requirement shall be two hundred (200) acres.
8. New structures shall be compatible with the character of the area.

5-1702

Additional Standards for Sawmills in Rural Zoning Districts

1. No exception issued for sawmill operation shall exceed two (2) years. Such exceptions may be extended in accordance with the provisions of Section 012 above for successive periods of not more than two (2) years each.
2. Sales shall be limited to wood sawn from logs on the site.
3. No structure and no storage of lumber, logs and timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a sawmill shall be located closer than 400 feet to any lot line.
4. The hours of operation shall be established by the Board, and shall not extend into the period between 8:00 P.M. and 8:00 A.M.
5. Such use shall have direct access to a state maintained road adequate to the size and type of the mill.
6. The minimum area involved with the mill operation, including structures, storage and loading, shall not exceed five (5) acres.

7. The Board may require such screening, planting, fencing, preservation of trees, entrances, design of structures or any other requirement which will ensure the minimal impact of the use on the surrounding uses.

5-1703

Additional Standards for Heavy Industrial Uses

1. Heavy industrial uses shall include:
 - A. Junkyards.
 - B. Ammonia, bleaching powder or chlorine manufacture.
 - C. Asphalt mixing plant.
 - D. Bag cleaning establishment.
 - E. Blast furnace.
 - F. Boiler works.
 - G. Concrete mixing or batching plant.
 - H. Distillation of coal, wood or bones.
 - I. Distillation of turpentine or varnish.
 - J. Emery cloth manufacture.
 - K. Fertilizer manufacture.
 - L. Fireworks or explosives manufacture or storage.
 - M. Fish canning, curing, grinding or smoking.
 - N. Garbage incineration other than in municipal plants or incidental to the operation of hotels, eating establishments and dwellings.
 - O. Glue, size or gelatin manufacture.
 - P. Grinding, cooking, boiling, rendering or storage of slaughterhouse refuse or animal refuse or rancid fats or refuse of dead animals.
 - Q. Iron, steel or copper works for foundries.
 - R. Lime, cement, gypsum or plaster of Paris manufacture.
 - S. Manufacture of concrete or mortar.

- T. Petroleum or asphalt refining or manufacture.
 - U. Pyroxylin of charcoal or coal.
 - V. Pulverizing of charcoal or coal.
 - W. Smelting of iron.
 - X. Soap manufacture.
 - Y. Stockyards.
 - Z. Sulphuric, nitric or hydrochloric acid manufacture.
 - AA. Tanning, curing or storing of raw hides or skins.
 - BB. Tetraethyl lead precipitate or liquid manufacture.
 - CC. Vinegar manufacture.
 - DD. Wool pulling and scouring.
 - EE. Yeast plants.
 - FF. Any other similar use which in the opinion of the Board might be injurious or noxious by reason or odor, fumes, dust, smoke, vibration, noise or other cause.
 - GG. Any industrial use which may exceed any one of the following:
 - (1) Consumption of more than 10,000 gallons of water in any one day or more than 150,000 gallons in any consecutive thirty day period excluding facilities for which approval is required under 15.1-456, Code of Virginia, as amended.
 - (2) Discharge of more than 10,000 gallons of wastewater in any one day or 150,000 gallons in any consecutive thirty day period, excluding facilities for which approval is required under 15.1-456, Code of Virginia, as amended.
 - (3) Generation of more than an average 100 cubic yards per day of solid waste of any sort in any thirty day period for disposal at a public landfill.
2. Each applicant for a heavy industrial use shall provide with his application an evaluation (by a person or firm qualified to make such evaluations) that indicates how the proposed use can be made to comply with the applicable performance standards in Article 9.

3. The Board may, in approving a special exception for a heavy industrial use, establish additional yard requirements, transitional yards, screening and other standards that, in the opinion of the Board, will effect compatibility with the surrounding community.
4. Significant groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.
5. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1704

Additional Standards for Explosives Storage in the RA, I-1 and I-2 Zoning Districts

1. Setbacks from all property lines shall be in a minimum of that distance required to inhabited buildings by the Rules and Regulations Governing Manufacture, Storage, Handling, Use and Sale of Explosives as adopted by The Safety and Health Codes Commission of the Commonwealth of Virginia.
2. Compliance with all applicable Federal and State regulations.
3. Applicant shall file with the Board of Supervisors annually a Certificate of Insurance which shows that the applicant has adequate liability insurance which liability insurance shall in no case be less than One Million (\$1,000,000.00) Dollars combined single limit for bodily injury and property damage.
4. Class I magazines shall be used for the storage of explosives when quantities are in excess of fifty (50) pounds of explosive material.
5. Class II magazines may be used for temporary storage of less than fifty (50) pounds of explosives at the site of blasting operations or where such amount constitutes not more than one day's supply for use in current operations. In no case shall a Class II magazine be used for overnight storage.
6. An eight (8) foot chain link fence or a six (6) foot chain link fence with three (3) strands of barbed wire around the top shall be provided on all four sides of a Class I magazine, so as to fully encircle a Class I magazine installation. The fence shall have a gate equipped with case-hardened locks and clasps.
7. Applicant shall be required to obtain an annual inspection by the State Fire Marshall and shall file annually with the Zoning Administrator a copy of the permit issued by the State Fire Marshall.

PART 18

5-1800

CATEGORY 18 AGRICULTURE

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1801

Standards for All Category 18 Uses in Rural Zoning Districts

As agriculture is the preferred use in these districts (see Section 3-503), consideration relating to compatibility with neighboring uses shall emphasize uses in the vicinity of a proposed Category 17 special permit use.

5-1802

Additional Standards for Dairy Farm, Cattle Feed Lots and Swine Farms

1. The minimum lot size requirement shall be twenty-five (25) acres.
2. Such use shall be conducted only in accordance with a permit issued by the State Water Control Board, unless the SWCB has denied jurisdiction of same, in writing.
3. Adequate protection of the bodies of water into which such a use drains shall be ensured using, as a guide, the Agricultural Best Management Practices Handbook issued by the State of Virginia, and reflecting the distance and topography between such a use and downstream water supply impoundments and withdrawal facilities.

5-1803

Additional Standards for Greenhouses (more than 10,000 square feet), Wholesale Only, in Rural Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.

5-1804

Additional Standards for Plant Nursery/Greenhouse, Retail Sales, in Rural Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. Off-street parking, loading and outdoor storage areas shall be effectively screened.
4. No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

5-1805

**Additional Standards for Distillation of Industrial Alcohol (Ethanol)
in Conjunction with a Farming Operation**

1. All such ethanol shall be used on the farm upon which it is produced.
2. The Air Pollution Control Board shall be given the opportunity to comment on applications for such uses.

5-1806

Additional Submission Requirements for Class B Biosolids Storage Facility

In addition to the submission requirements set forth in Section 011 above, all applications for special exceptions for biosolids storage facilities for Class B biosolids shall be accompanied by the following:

1. Copies of submission to the State Health Department or Department of Environmental Quality for the proposal.
2. Copies of Certificate of Insurance.
3. A statement authorizing Fauquier County to sample biosolids when desired.

5-1807

Additional Standards for Class B Biosolids Storage Facility

1. Applicable approvals substantiated by documents called for in paragraph 1806.1 above. No activities addressed for such State certificates and approvals except in full compliance therewith.
2. Unless specifically reduced by the Board, for good cause shown, no such facility shall be located closer than 300 feet to any lot line or closer than 1000 feet to any land not in an Agriculture, Conservation or I-2 zoning district.
3. Unless specifically reduced by the Board, for good cause shown, the highway entrance to such a facility shall be located not more than 1000 feet from a major collector, on a secondary road with pavement not less than 20 feet.
4. Proof that the insurance has been obtained covering the proposed activities sufficient to protect the public from damage and injury resulting from the hauling, storage or application of sludge. The sufficiency of such insurance shall have been previously approved by the Board.
5. Verification that the applicant has sufficient land in Fauquier County available upon which to apply to holding capacity of the storage facility within a period of ninety (90) days.

5-1808

Submission Requirements for Land Application of Class B Biosolids

All applications for administrative special permits for such uses shall be accompanied by the following: (amendments for additional lands shall not require 3 and 4 below).

1. Written application setting forth:
 - A. the name, telephone number, and address of the applicant;
 - B. A brief description of the applicant's business;
 - C. A description, by Parcel Identification Number, and by number of acres of the property on which the biosolids are applied;
 - D. the name and location and mailing address of the owner/lessee of such property;
 - E. general schedule of the rates of biosolids application which the applicant intends to apply;
 - F. the name, address and telephone number of the person including all subcontractors, who will or may spread or apply the biosolids to that particular property;
 - G. a plan or map, drawn to scale of 1:200 or 400, showing the land area to be covered by the application, and actual fields (labeled with # and acreage); to which biosolids will be applied, and an insert map showing the location of the land area in relation to the surrounding area;
 - H. the time period to be covered by the permit, not to exceed five (5) years.
2. A copy of the appropriate No Discharge Certificate or Biosolids Use Permit.
3. The applicant shall submit, at the time of each application, proof of liability insurance in the aggregate amount of \$1,000,000.00 covering all losses and claims arising out of hauling or land application of biosolids, and all other activities performed under the permit. Such insurance shall be maintained in force and effect through the term of the permit.
4. A map indicating the route(s) of the transporting vehicles to and from the application site which shall be approved by the Zoning Administrator as constituting the most safe route(s) taking into account the travelway, surface, geometric design and traffic volumes.
5. Copy of the property owners consent statement when the owner is not signatory to the request for land application of Class B Biosolids.

6. A statement signed by the property owner(s) authorizing representatives of Fauquier County access anywhere on the owner(s) land for the purpose of inspecting the land application process.

5-1809

Additional Standards for Land Application of Class B Biosolids

1. All land application shall be accomplished in accordance with the Special Conditions of the Department of Environmental Quality certificate or regulations of the Virginia Department of Health as submitted with application. All solids or other wastes shall be so deposited that no harmful components can reach state waters by natural or other means.
2. All vehicles on public roads used in the transportation of Class B Biosolids for land application in Fauquier County shall be in conformance with all Commonwealth of Virginia Department of Environmental Quality (DEQ) requirements and all other State and Federal requirements.
3. Notice shall be given in writing to the Zoning Administrator at least 48 hours prior to applying Class B Biosolids to a permitted area. A separate notice is required for each permit amendment. Copies of adjacent property owner(s) consent when the otherwise required buffer is not to be maintained shall be filed with the Zoning Administrator 24 hours before land application of biosolids occurs on any particular field within a permitted area. Any change in the spreading location from the above notice will be given by 9:00 A.M. on the day spreading is to occur.

5-1810

Additional Standards for Winery with Special Events, Major and Minor, in the RA, RC, and RR-2 Zoning Districts

1. Such a use shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
2. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity. At least thirty (30) days prior to holding the event, the holder of the Special Permit or Special Exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address, and a contact person for each individual, group, association, partnership, or corporation which is expected to conduct retail sales at the event.
3. Major events are those with more than 150 attendees, but not more than 2,500 attendees per event, and are limited to two (2) within a calendar year. Minimum lot size for major events is forty (40) acres.

4. Minor events are those that allow less than 150 attendees per event, and are limited to fifteen (15) within a calendar year. Minimum lot size for minor events is twenty-five (25) acres.
5. No structure used for or in conjunction with this use shall be located within fifty (50) feet of any lot line.
6. The Special Permit or Special Exception holder for a minor or major event shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event. At least thirty (30) days prior to holding the event, the holder of the Special Permit or Special Exception permit for the property on which the event will be held, shall provide to the Zoning Administrator written proof, including copies of any permits or licenses, if required, from the following agencies that control traffic, security, emergency services, and on-site sanitary and refreshment facilities are adequate for the size and type of event:
 - a. Fauquier County Sheriff's Office
 - b. Virginia Department of Transportation
 - c. Fauquier County Emergency Services Coordinator
 - d. Fauquier County Health Department
6. The Special Permit or Special Exception permit shall be granted for a period of three (3) years and after such time, the holder may apply to have the permit renewed for additional five (5) year periods. The procedure for renewal shall be the same as specified in Section 5-009 above. After an initial five (5) year renewal, an applicant may request, and the BZA or Board of Supervisors may grant, a renewal for a period of greater than five (5) years, including an indefinite period. If such a renewal is granted, the holder of the Special Permit or Special Exception permit shall submit to the BZA or Board of Supervisors once every five (5) years thereafter, a report documenting that the use of the property as approved by the Special Permit or Special Exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use with all of the requirements and standards of this Ordinance, and with all conditions of the Special Permit or Special Exception that were designated in issuing the same. If at any time the BZA or Board of Supervisors determines that the use of the property is not in compliance, it may initiate action to revoke the Special Permit or Special Exception in accordance with Section 5-015 above.

5-1811

Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.

3. All birds shall be penned or confined to the site.

5-1812

Additional Standards for a Farmer's Market

1. The minimum lot size shall be five (5) acres.
2. Such a use shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that frontage on a public road with a lesser designation will cause an undue impact on the neighbors and adversely affect safety or road usage.
3. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to 12 square feet in size and 6 feet in height to advertise products available.
4. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture care, use of, or processing of the principal use. Products such as lawn mowers and tractors shall not be allowed.
5. Highway entrance shall be approved by the Virginia Department of Transportation.
6. Sanitary facilities shall be approved by the Fauquier County Health Department.
7. A farmer's market shall be conducted on the same lot as contains the bona fide, primary residence of the property owner or lessee.
8. One structure shall be allowed, size not to exceed 2,500 square feet in size, and shall meet all location requirements for the RA zoning district.
9. At least 80% of all agriculture products, horticultural products, and hand made crafts shall be grown or produced on site or within Fauquier County.

5-1813

Additional Standards for a Community Farmers' Market

1. The minimum lot size requirement shall be one hundred (100) acres. The requirements of this section shall not preclude the property owner from conducting compatible, Permitted Uses on the same parcel.

2. The road frontage requirement shall be a minimum of 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. All open off-street parking and loading areas shall be no closer than 25 feet from any lot line.
4. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to 12 square feet in size and six (6) feet in height to advertise hours of operation and products available.
5. The permitted activity is the use of any tract of land in a rural agriculture zoning district for the retail sales and preparation of agricultural products, horticultural products, aquacultural products, and hand made crafts. Any other retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture, care, use of, or processing of the principal use. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed.
6. Highway entrance shall be approved by the Virginia Department of Transportation.
7. Sanitary facilities shall be approved by the Fauquier County Health Department.
8. No structure used for or in conjunction with the use shall be located within 500 feet of any adjoining property located in a Residential or Rural Zoning District.
9. No more than one new structure shall be allowed to be constructed, not to exceed 2,500 square feet in size and shall meet all location requirements for the RA zoning district. However, structures previously existing on the parcel may be converted to a farmers' market use, regardless of size or number, if the Board determines the location, accessibility, and visibility of these structures is appropriate to this use.
10. All agriculture products, horticultural products, and hand made crafts shall be grown or produced within the Commonwealth of Virginia.

5-1901**Additional Submission Requirements**

In addition to the submission requirements set forth in Section 001 above, all applications for Category 19 special exception uses shall be accompanied by the following items:

1. A drawing at a scale of one inch equals 660 feet, submitted in six copies on sheets not larger than 30 inches by 42 inches, showing the following items for the tract upon which the development is proposed and all the land within 2000 feet of such tract:
 - A. Property lines (from tax records).
 - B. Names of current owners (from tax records).
 - C. Current uses (delineating uses within parcels upon which different uses are conducted, e.g., pasture, woodland, cropland, residential, etc.).
2. A schematic plan of the proposed use and a narrative explanation of the applicant's development proposal indicating:
 - A. The uses, facilities, and equipment to be located on the tract in connection with the proposed use.
 - B. Proposed roads (including surfacing) and entrances to state roads.
 - C. The general location of the items listed in A and B above.
 - D. Reclamation plan.
3. Documented proof that all performance standards can be met.

5-1902**Standards for All Category 19 Uses**

In addition to the general standards set forth in Section 006 above, the applicable standards used shall also be subject to the following performance standards:

1. No blasting shall be permitted except in conjunction with a permit for stone quarrying.
2. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the Board may further limit such blasting vibration where in its opinion, the density of population in the area warrants additional protections.

3. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.
4. The peak overpressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130) decibels at any occupied structure not on the subject property.
5. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.
6. Significant groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.

5-1903

Standards for Category 19 Uses in Rural Zoning Districts

In addition to the general standards set forth in Section 006 above and in this Part, all Category 19 special exception uses located in Rural Zoning Districts shall satisfy the following standards:

1. The minimum lot size requirement shall be 10 acres.
- 2a. No exception issued for such a use shall exceed five (5) years. Such exceptions may be extended in accordance with the provisions of Section 012 above for successive periods of not more than three (3) years each.
- 2b. Notwithstanding anything contained in the preceding section, after the initial five year period, an applicant may request and the Board of Supervisors may grant, an extension for a period of greater than three years, including an indefinite period. If such an extension is granted, the holder of the special exception shall submit to the Board once every three years thereafter, a report documenting that the use of the property as approved by the special exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use, with all of the requirements and standards of this Ordinance and with all conditions of the special exception that were designated in issuing the same. If at any time the Board determines that the use of the property is not in compliance, it may initiate action to revoke the special exception in accordance with Section 5-015 above.
3. Sales and distribution shall be predominantly of materials extracted on-site.
4. No activity, use, facilities, equipment, structure or storage, with the exception of offices, shall be located within 300 feet of any lot line.

5. Offices, including only those buildings devoted solely to office/administrative uses, shall be located not less than 100 feet from any lot line.
6. All operations shall be limited to the period between 8:00 A.M. and 8:00 P.M. or such period as established by the Board.
7. Such use shall have direct access to a state maintained road adequate to the size and type of use.
8. The Board may require such screening, planting, fencing, preservation of trees, construction of berms, entrances or other requirement which will ensure the minimal impact of the use or the surrounding uses including the use of public roads in the vicinity.

PART 20

5-2000

CATEGORY 20 PUBLIC UTILITIES

5-2001

Additional Submission Requirements

In addition to the submission requirements set forth in Section 011 above, all applications for Category 20 uses shall be accomplished by the following:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

5-2002

Standards for All Category 20 Uses

In addition to the general standards set forth in Section 006 above, all Category 20 special permit and special exception uses shall satisfy the following standards:

1. Category 20 special permit and special exception uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located in Part 4 of Article 3. However, such requirements may be established in the conditions under which such a special permit or special exception is granted.
2. No land or building in any district other than the Industrial Districts shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of

vehicles, except those needed by employees connected with the operation of the immediate facility.

4. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.
4. If the proposed location of a Category 20 use is in a Residential District there shall be a finding that there is no more suitable site available for such use in a Commercial or Industrial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.
5. A special exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging sewage treatment system is the only alternative for the repair. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.
6. A special exception for a private sewage treatment system may be allowed for new construction for Commercial or Industrial uses outside of service districts provided that the system is operated under the control of the Fauquier County Water and Sanitation Authority, or a Class III wastewater operator which holds a current permit licensed in the State of Virginia. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.

PART 21

5-2100

CATEGORY 21 TRANSPORTATION

5-2100

Additional Submission Requirements

In addition to the submission requirements set forth in Section 001 above, all applications for Category 21 uses shall be accompanied by the following items:

1. All such applications for uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act, adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.

2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, state or local statutes, ordinances, rules or regulations applicable thereto.
3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be impacted by the anticipated noise.
4. In the case of airports, drawings shall be presented showing imaginary surfaces for the facility prepared in accordance with Federal Aviation Administration regulations. A noise contour map may be required by the Board.

5-2101

Standards for All Category 21 Uses

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. All maintenance, repair and mechanical work shall be performed in enclosed buildings, except in the I-2 District.
2. All areas for outdoor storage and all equipment, machinery and facilities not included within an enclosed building shall be effectively screened.
3. All facilities shall be located and designed so that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
4. Structures to be used by aircraft shall be located a minimum distance of 200 feet from any adjoining rural, residential or commercial zoning district, or 75 feet from any adjoining industrial district.

PART 22

5-2200

CATEGORY 22 INTERMENT USES

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-2201

Standards for All Category 22 Uses

(Note: Interment uses include facilities for humans and animals.)

1. All uses shall comply with applicable provisions of the Code of Virginia (see especially Chapter 3 of Title 57).
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment be made in any facility for the disposal of the dead within fifty (50)

feet of a street line or twenty-five (25) feet of a side or rear property line.

3. All uses shall comply with the performance standards specified for the zoning district in which located.

PART 23

5-2300

CATEGORY 23 FLOODPLAIN USES

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-2301

Standards for All Category 23 Uses

1. No such use shall cause an increase in the level of flooding or velocity of flood waters.
2. No such use shall create a potential hazard of debris subject to movement by flood waters which might cause damage downstream.
3. The John Marshall Soil and Water Conservation District shall be given the opportunity to comment on such uses.
4. The applicant shall have obtained and shall present evidence attesting any applicable approvals by State and Federal authorities concerning such a use.
5. Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
6. Special exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in (a) unacceptable or prohibited increase in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local law or ordinances.
7. Special exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be necessary to provide the applicant with reasonable use of the parcel of land in question, taken as a whole.
8. The Zoning Administrator shall notify the applicant for a special exception in writing, at the time of filing, that the issuance of a special exception to construct a structure below the one hundred (100) year flood elevation (a) will increase risks to life and property, and (b) will result in increased premium rates for flood insurance.

9. A record of the above notification as well as all special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

PART 24

5-2400

STANDARDS FOR APPROVING AN INCREASE IN BUILDING HEIGHTS

5-2401

The BZA may approve a special permit for an increase in height above the maximum building height regulations specified in Part 4 of Article 3, if it determines that such an increase would not violate the general standards set forth in Section 006 above. Further, the minimum yard requirements applicable to the structure shall be increased by two (2) feet for every one (1) foot of increase in height in excess of the maximum building height set forth for the zoning district.

PART 25

5-2500

STANDARDS FOR APPROVING A WAIVER OF LOT SIZE, WIDTH OR FRONTAGE REQUIREMENTS

This part provides the flexibility to enable shopping center and industrial park developments with individually owned lots. The Board may approve a special exception for the waiver (in whole or in part) of minimum lot size, minimum lot width and/or minimum street frontage requirements set forth in Part 4 of Article 2 and Part 4 of Article 3, in the Commercial and Industrial Zoning Districts if it determines that a reduction in or waiver of such requirement(s) would not violate the general standards set forth in Section 006 above or the following additional standards.

1. The applicant shall demonstrate that all remaining regulations will be satisfied.
2. The proposed development shall create lots for use by not less than three separate businesses not in common ownership.
3. Not more than two entrances to public streets may serve such a development. These entrances shall serve as common access to all the lots in the development.
4. The deeds to the lots to be created by the proposed development shall contain provisions to ensure appropriate access to all such lots and maintenance of all elements to be held and/or used in common.

PART 26

5-2600

STANDARDS FOR APPROVING A DECREASE IN THE OPEN SPACE REQUIREMENT

For lots of 30 acres or greater in the RA and RC zoning district, the Board may approve a reduction in the 85 percent open space requirement

if the Board finds that a lesser amount would accomplish the purposes of 2-406.5.

5-2601

Standards for Reduction of Non Common Open Space Required by Paragraph 2-406

The percentage of the gross site area required as non-common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to protect the scenic, natural or historic resources contained on the site, in which case the open space may be reduced to that amount necessary. (See paragraph 2-406.)
2. The predominance of the character of the area, particularly adjacent parcels is large lot (10 to 25 acres per lot) and the site resources determined in 1 above would require less than 25 acres of open space, in which case open space may be reduced to zero. If more than 25 acres of open space is required in 1 above then that amount shall be required unless it is determined that the location of the resultant lot layout is in conflict with adjacent uses because of lot size or use incompatibility.

PART 27

5-2701

Standards for Reduction of Common Open Space as Permitted by Paragraph 2-406

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to establish neighborhood open space for useable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent opens space, parks, schools or similar land uses.
2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.

PART 28

5-2800

**STANDARDS FOR WAIVING
REQUIREMENT FOR TYPE I PRIVATE
STREETS**

5-2800

Standards for Waiving Requirement for Type I Private Streets In the RA and RC Zones

In the RA and RC zones, the Board may grant a special exception to permit the construction of Type II or Type III private streets within a subdivision where the following standards are met:

1. Construction of a Type I street would be inconsistent with the pattern of development in the area, or would result in the degradation of environmental, historic or cultural resources.
2. The proposed street (whether Type II or Type III) would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and adequate provisions will be made to provide for the continuing maintenance and repair of the streets.

PART 29

5-2900

**STANDARDS FOR WAIVING
REQUIREMENT FOR PUBLIC STREETS**

5-2900

Standards for Waiving Requirement for Public Streets in Residential, RA and RC Zones

In residential, RA and RC zones, the Board may grant a special exception to permit the construction of private streets within a subdivision where the following standards are met:

1. The requirements of the Virginia Department of Transportation necessary for the dedication of public streets will not permit the development of the proposed subdivision in a manner which is in harmony with the surrounding character of the neighborhood or the proposed development scheme.
2. The proposed private streets, based upon anticipated traffic generation volume, would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and demonstration that adequate provisions will be made to provide for continuing maintenance and repair of the streets by a homeowners association. For any subdivision with 80 lots or more, a traffic impact analysis must be provided to establish the justification for the request.

PART 30

5-3000

**STANDARDS FOR WAIVING
REQUIREMENT FOR PUBLIC SEWER**

5-3000

Standards for Waiving Requirement for Public Sewer

In residential, RA and RC zones, the Board may grant a special exception to waive the requirement for public sewer where the following standards are met:

1. The development is located within an area in which the Fauquier County Water and Sanitation Authority formally refuses in writing to extend sewer service or the applicant demonstrates to the Board that the provision of public sewer is not technically or financially feasible in the area to be served, and
2. Where the proposed subdivision lots are to be on individual septic fields, the applicant includes with the special exception application a soils report demonstrating that the development will not degrade ground water resources or impair any watershed, and that the proposed subdivision will meet all requirements of the Health Department and the Subdivision Ordinance for development on individual septic fields. The applicant shall provide sufficient data to demonstrate that the development will not jeopardize the safety of present or future water supplies and information regarding the topography, soil type and condition, surface and subsurface drainage condition, water table, history of failures of septic systems in adjacent areas, and the extent of septic system development in the area, *or*
3. Where the proposed subdivision lots are to be served by a private central sewer system, the applicant has demonstrated that:
 - a. The site characteristics are such that all necessary health department and other governmental approvals can be obtained.
 - b. The development will not degrade ground water resources or impair any watershed.
 - c. The applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, and that the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.
 - d. A special exception is obtained for the private treatment facility in accordance with Section 5-2000.

PART 31

5-3100

**STANDARDS FOR WAIVING
REQUIREMENT FOR PUBLIC WATER
SYSTEM AND CENTRAL WATER
SYSTEM**

5-3100

Standards for Waiving Requirement for Public Water System and Central Water System.

The requirements of Section 7-501 and 7-502 for a public water system and central water system may be waived to permit construction on a private central water system or individual wells on individual lots where:

1. The Fauquier County Water and Sanitation Authority refuses in writing to operate the proposed system or the applicant demonstrates to the Board that the provision of a public or central water system is technically or economically infeasible.
2. The applicant demonstrates that the proposed central water system or individual wells on individual lots will not damage the wells of adjoining parcels or interfere with future development of adjoining parcels. This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.
3. Where a private central water system is proposed, the applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, adequate provisions will be made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.